

### REMARKS

Claims 1-10 and 19 are now presented for examination. Claims 1-3, 5-7, 9, and 10 have been amended to even further clarify the claimed subject matter. Claims 11 and 15-18 have been canceled without prejudice and disclaimer of subject matter. Claim 19 has been added to assure Applicant of a full measure of protection of the scope to which he deems himself entitled.

Claims 1-9 and 15-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,943,094 (*Sakai et al.*), and Claims 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sakai et al.* in view of U.S. Patent No. 6,154,253 (*Kiri et al.*).

Cancellation of Claims 11 and 15-18 renders their rejection moot, although Applicant does not concede the propriety of the rejection of those claims.

As for the remaining claims, Applicant offers the following comments.

Independent Claim 1 has been amended to even further clarify that the claimed subject matter. For example, as amended, Claim 1 is directed to an image processing apparatus comprising a photoelectric conversion unit including a plurality of pixels, and an operating unit operating a correction value corresponding to a noise component accumulated in the plurality of pixels until a predetermined time period elapses after reset of the plurality of pixels, on the basis of a first signal (e.g., independent from an accumulation time) accumulated in the plurality of pixels and a second signal (e.g., dependent on the accumulation of time) accumulated in the plurality of pixels. The first

signal is the noise component accumulated in the plurality of pixels until a first time period elapses after the reset of the plurality of pixels, and the second signal is the noise component accumulated in the plurality of pixels until a second time period different from the first time period elapses after the reset of the plurality of pixels. That is, the apparatus corrects noise of a pixel using signals accumulated in the pixels within different time periods, respectively.

As pointed out in the Amendment filed on August 26, 2004, *Sakai et al.* reads out repeatedly a noise signal on a same condition to average read-out signals and subtracts the averaged signals from an image pickup signal (column 4, line 29 to column 5, line 4). However, nothing in *Sakai et al.* would teach or suggest noise correction using first and second signals, let alone an operation unit that operates in the manner recited in Claim 1. Accordingly, Claim 1 is deemed to be clearly patentable over that reference.

Independent Claim 7 recites, in part:

“a storage device storing noise information of each pixel of the plurality of pixels for noise independent from an accumulation time period and accumulated in the plurality of pixels until a first time period elapses after reset of the plurality of pixels and noise information of each pixel for noise dependent upon the accumulation time period and accumulated in the plurality of pixels until a second time period different from the first time period elapses after the reset of the plurality of pixels; and

an operation unit operating a correction value corresponding to a noise component accumulated in the plurality of pixels until a predetermined time period elapses after reset of the plurality of pixels, on the basis of noise information for the noise independent from the accumulation time period and the noise information for the noise dependent upon the accumulation time period, stored in said storage device.”

For similar reasons as those given above, nothing in *Sakai et al.* would teach or suggest the foregoing features of Claim 7, particularly relating to the operation unit recited in that claim. Accordingly, Claim 7 is deemed to be clearly patentable over that reference.

Independent Claim 10 recites an operation unit that is substantially similar to the operation unit of Claim 1 emphasized above, and thus Claim 10 also is believed to be clearly patentable over *Sakai et al.* for the same reasons as is Claim 1, since *Sakai et al.* is not seen to teach or suggest such an operation unit.

*Kiri et al.* is relied on in the Office Action as teaching distance measurement for performing a distance measurement calculation. However, even if *Kiri et al.* be deemed to teach performing distance measurements, nothing has been found, or pointed out, in *Kiri et al.* that would teach or suggest an operation unit as set forth in Claim 10. Accordingly, even if *Sakai et al.* and *Kiri et al.* were to be combined in the manner proposed in the Office Action (which, in any event, is not admitted as being obvious or technically feasible), the resulting combination also would not teach or suggest that feature. Accordingly, Claim 10 also is believed to be clearly patentable over *Sakai et al.* and *Kiri et al.*, whether considered separately or in combination.

The other claims in this application are each dependent from one or another of independent Claims 1 and 7 discussed above and are therefore believed patentable for the same reasons as are those independent claims. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual

consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

Applicant respectfully requests favorable consideration and early passage to issue of the present application.

Applicant's attorney of record may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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